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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/528,762	03/17/2000	Paramasiviah Harshavardhana	20-1-1-1-8-1	5011

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09/05/2003

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EXAMINER

DO, NHAT Q

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/528,762

Applicant(s)

HARSHAVARDHANA ET AL.

Examiner

Nhat Do

ND

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

All the reference signs (such as 610 for the line between nodes A and B...) of figure 6 disclosed on page 18 of the specification are missing.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 8-12, 18-20, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,324,162 to Chaudhuri.

Regarding to claim 1, Chaudhuri discloses a mesh network performing:

Node 12E detects failure indication sent from node 12A (Col. 6, lines 35-38);

Signaling restoration using the restoration path segments pq, rs, and tu, which are also used as restoration path segments after signaling (Col. 12, line 54-col. 13, line 10). Since the signaling path and restoration path are the same, therefore, the bandwidth is the same.

Regarding to claims 2, and 3, Chaudhuri discloses the network is a SONET/SDH network (Col. 1, lines 55-62).

Regarding to claim 4, Chaudhuri discloses the network is an optical network (Col. 3, lines 11-17). Due to the nature of optical network, it is inherent that the network comprises nodes capable of accessing overhead.

Regarding to claim 5, Chaudhuri discloses 12E is an end node (Col. 3, lines 28-35).

Regarding to claim 8, Chaudhuri discloses the signaling information is placed after K1, and K2 (Col. 9, lines 30-42), which is the payload portion of the SONET frame.

Regarding to claim 9, Chaudhuri discloses the recovery request sent from node 12E includes identification of the failed link (Col. 12, line 49).

Regarding to claim 10, Chaudhuri discloses the message is relayed form node to node in the restoration path (Col. 12, line 54-col. 13, line 5).

Regarding to claims 11, and 21, Chaudhuri discloses the traffic is only permitted to flow through the restoration after verifying (Col. 13, lines 2-14).

Regarding to claim 12, nodes 12F, and 12G disclosed on page 12, lines 54-65 by Chaudhuri are considered the claimed non-conforming elements.

Regarding to claim 18, Chaudhuri discloses the end nodes 12E, and 12B are identified for the path initially (Col. 3, lines 28-37).

Regarding to claim 19, Chaudhuri discloses the initiating recovery when a failure located between the end nodes (Col. 6, lines 20-12D).

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Regarding to claim 20, Chaudhuri discloses in column 12 the end node formulates a message comprises: fail path ID (line 49), request type (line 40), pre-computed restoration path (42-45), and routes the message to node 12F (line 54).

Regarding to claim 43, further to the rejection of claim 1, Chaudhuri discloses using a computer to implement the restoration (Col. 3, lines 47-57). Therefor it is inherent that the system comprising:

A memory for storing computer readable code;

A processor performs the restoration procedure.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 7, 13-15, 22-42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaudhuri as applied to claim 1 above, and further in view of admitted prior art.

Regarding to claims 6, 7, and 13-15 Chaudhuri fails to disclose to determine whether the failure is restorable or non-restorable in activating the recovery. The admitted prior art disclose the ANSI Tandem Connection Maintenance standard indicate out-of-network failure (non-restorable failure) by placing a flag in the path overhead in order to prevent the nodes to initiate path restoration (Page 12, last paragraph). A skilled artisan would have been motivated to apply the restoration technique of the ANSI Tandem Connection Maintenance standard in Chaudhuri in

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order to avoid initiating path restoration when failure occurs outside the network. Therefore, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to determine whether the failure is restorable or non-restorable in activating the recovery.

Regarding to claim 22, further to the rejection of claims 1, and 6, Chaudhuri disclose:

Connecting the pre-computed path (Col. 12, and 13).

Regarding to claims 23-42, the claims are identical to 2-21, which are taught by Chaudhuri (and admitted prior art) as disclosed above.

Regarding to claim 44, further to the rejection of claims 43, and 6, Chaudhuri disclose:

Connecting the pre-computed path (Col. 12, and 13).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhat Do whose telephone number is (703) 305-5743. The examiner can normally be reached on 8:30 AM - 5:30 PM Monday - Friday.

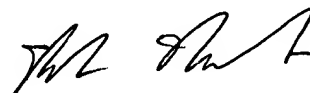
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ND

September 2, 2003

Nhat Do  
Examiner  
Art Unit 2663



MELVIN MARCELO  
PRIMARY EXAMINER